Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-582

NORFOLK AND WESTERN RAILWAY COMPANY, MISSOURI PACIFIC RAILROAD COMPANY, WALKER TOWING CORPORATION, HUFFMAN TOWING COMPANY, INLAND WATERWAYS, INC., FEDERAL BARGE LINES, INC. and INLAND TUGS CO.

Appellants,

vs.

THE HONORABLE WILLIAM L. BEATTY, VICTOR J. MOSELE, JOHN GITCHOFF, HAROLD R. CLARK, JOSEPH J. BARR, FRED P. SCHUMAN, MOSES W. HARRISON, II and JOHN D. LAURENTI, Judges,

Appellees.

On Appeal From The United States District Court For The Southern District Of Illinois, Southern Division

MOTION TO DISMISS, OR IN THE ALTERNATIVE TO AFFIRM

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Appellees.

On Appeal From The United States District Court For The Southern District Of Illinois, Southern Division

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MOTION TO DISMISS, OR IN THE ALTERNATIVE TO AFFIRM

The appellees, pursuant to Rule 16 of the Rules of the Supreme Court of the United States, respectfully move this Honorable Court to dismiss the appeal herein or, in the alternative, to affirm the judgment of the United States District Court for the Southern District of Illinois, Southern Division, on the grounds that it is manifest that the questions on which the decision of the cause depends are so insubstantial as not to require any further argument and that the decision rendered below is so obviously correct as to warrant no further review.

I.

THE NATURE OF THE CASE

A. Illinois Supreme Court Rules 707 and 756.

This appeal involves the constitutionality of Illinois Supreme Court Rule 707, Ill. Rev. Stat., 1973, ch. 110A, § 707, as applied to appellants. Rule 707 provides:

707. (Supreme Court Rule 707). Foreign Attorneys in Isolated Cases

> Anything in these rules to the contrary notwithstanding, an attorney and counselor-at-law from any other jurisdiction in the United States, or foreign country, may in the discretion of any court of this State be permitted to participate before the court in the trial or argument of any particular cause in which, for the time being, he is employed.

Although Rule 707 is the only regulatory provision challenged by appellants, Illinois Supreme Court Rule 756, Ill. Rev. Stat., 1973, 110A, § 756 (reprinted herein as Appendix A) is also involved in this appeal. Rule 756 concerns the various state requirements for the admission of attorneys seeking their initial license to practice law in Illinois, and of those attorneys seeking to be admitted upon a foreign license. Under this rule, any person who is not listed on the Master Roll on file with the Clerk of the Illinois Supreme Court is prohibited from the practice of law or from holding himself out as authorized to practice law in the State of Illinois.

B. The Proceedings Below.

Appellants are two railroad companies and five barge line companies operating in the State of Illinois. Prior to this litigation, certain attorneys have appeared as attor-

neys of record for appellants on a regular basis in Madison County, Illinois, and in the adjoining County of St. Clair, Illinois. These attorneys are not licensed to practice law in the State of Illinois, nor are they enrolled on the Master Roll of attorneys authorized to practice law in Illinois. Most, if not all, of the practice of law in Illinois by these attorneys has consisted of defending appellants in cases involving the Federal Employers' Liability Act (45 U.S.C. §51 et. seq.) and the Jones Act (46 U.S.C. §688).

In those cases, appellants' attorneys have participated as principal counsel, and their activities have included the preparation, settling or trying of various cases in which they have been involved. At the inception of this litigation, appellants' attorneys were attorneys of record in at least eighty cases pending in Madison County, Illinois. (See Exhibit A, attached to and incorporated in the "Amicus Curiae Brief of County Bar Association of Madison County, Illinois on the Merits" which was filed with the three-judge district court).

Pursuant to Illinois Supreme Court Rules 707 and 756, the Judges of the Circuit Court, Third Judicial Circuit, Madison County, Illinois, directed appellants to secure attorneys licensed to practice law in Illinois to serve as their principal counsel in those cases pending in the state courts of that county. In some instances, the Judges of the Third Judicial Circuit Court entered orders striking the names of the non-resident attorneys as counsel of record, while at the same time permitting appellants' out-of-state counsel to be associated in the cases with local counsel in a consulting or advisory role at trial.

Contending that Illinois Supreme Court Rule 707 is unconstitutional as applied to them, appellants instituted this action in the United States District Court for the

Southern District of Illinois, to enjoin the Judges of the Illinois Third Judicial Circuit from infringing upon their constitutional rights. By an order entered July 2, 1975, the three-judge district court held that Illinois Supreme Court Rule 707 was not constitutionally deficient as applied to appellants. The court denied appellants' request for an interlocutory or permanent injunction and dismissed plaintiffs-appellants' complaint. Appellants filed their Notice of Appeal on August 21, 1975.

Appellants have invoked the jurisdiction of this Court to review the decision of the three-judge district court by virtue of 28 U.S.C. § 1253.

II.

ARGUMENT

THE APPEAL IN THE PRESENT CASE SHOULD BE DISMISSED OR, IN THE ALTERNATIVE, THE DECISION OF THE DISTRICT COURT SUMMARILY AFFIRMED BECAUSE THE QUESTION PRESENTED IS SO INSUBSTANTIAL AS NOT TO REQUIRE FURTHER ARGUMENT AND THE DECISION BELOW IS SO OBVIOUSLY CORRECT AS NOT TO WARRANT FURTHER REVIEW.

Under our federal system of government, each State of the Union has traditionally established its own procedure for regulating the practice of law. It is well-settled that one of the powers not transferred to the federal government was the power to regulate the practice of law, *In re Lockwood*, 154 U.S. 116, 38 L. Ed. 929, 930 (1894), and that the primary responsibility for admission of members of the legal profession before the courts of a particular state belongs to that state. *In re Isserman*, 345 U.S. 286, 97 L. Ed. 1013, 1015 (1953). Recently, this Court emphasized the substantial interest of the individual states in generally regulating professions, and particularly in exercising control over the legal profession:

> We recognize that the States have a compelling interest in the practice of professions within their boundaries, and that as part of their power to protect the public health, safety, and other valid interests they have broad power to establish standards for licensing practitioners and regulating the practice of professions. We also recognize that in some instances the State may decide that "forms of competition usual in the business world may be demoralizing to the

> ethical standards of a profession." [Citations omitted.] The interest of the States in regulating lawyers is especially great since lawyers are essential to the primary governmental function of administering justice, and have historically been "officers of the courts." [Citations omitted.] In holding that certain anticompetitive conduct by lawyers is within the reach of the Sherman Act we intend no diminution of the authority of the State to regulate its professions.

Goldfarb v. *Virginia State Bar*, 95 S. Ct. 2004, 44 L. Ed. 2d 572, 588 (1975).

In Illinois, as in a number of other jurisdictions, the power of the State to regulate the practice of law has historically been held to be vested in the judiciary branch of state government:

> The power to regulate and define the practice of law is a prerogative of the judicial department as one of the three divisions of the government created by article 3 of our Constitution. The legislative department may pass acts declaring the unauthorized practice of law illegal and punishable. Such statutes are merely in aid of, and do not supersede or detract from, the power of the judicial department to control the practice of law. In re Day, 181 Ill. 73, 54 N.E. 646, 50 L.R. A. 519; Rhode Island Bar Ass'n v. Automobile Service Ass'n (R.I.) 179 A. 139, 100 A.L.R. 226. The power is inherent in this court to prescribe regulations for the study of law and the admission of applicants for the practice of that profession. People v. People's Stock Yards State Bank, 344 Ill. 462, 176 N.E. 901; In re Day, supra. . . . The practice of law, both in courts and out of courts, by one not licensed, is an illegal usurpation of the privilege of an attorney and is a contempt of this court. People v. Chicago Motor Club, 362 Ill. 50, 199 N.E. 1; People v. Motorists Ass'n, 354 Ill. 595, 188 N.E. 827; People v. Ass'n of Real Estate Tax-Payers, 354 Ill. 102, 187 N.E. 823;

People v. People's Stock Yards State Bank, supra. *People* v. *Goodman,* 366 Ill. 346, 8 N.E. 2d 941, 944 (1937). See also *In re Teitelbaum,* 13 Ill. 2d 586, 150 N.E. 2d 873 (1958); *In re Anastaplo,* 3 Ill. 2d 471, 121 N.E. 2d 826 (1954), aff'd. 366 U.S. 82, 6 L. Ed. 2d 135 (1961). The Illinois Supreme Court, speaking per curiam in *Biggs* v. *Spader,* 411 Ill. 42, 103 N.E. 2d 104, 106 (1952), stated that not only did the Supreme Court have inherent power to prescribe rules of practice and procedure, but that such powers were expressly conferred by statute, so that such rules had the force of law.

Pursuant to this inherent power to regulate the practice of law, the Illinois Supreme Court first promulgated in 1938 what has become Illinois Supreme Court Rule 707, and the Rule has been in continuous force since that time. It is readily apparent that the inherent power of the Supreme Court of Illinois to prescribe rules and regulations for the practice of law within the state is meaningless unless, in situations like the present, the Court has the power to determine the circumstances under which an attorney may be permitted to appear and try law suits in the courts of the state.

A.

In F.E.L.A. and Jones Act Cases Brought Before A State Court, A Civil Litigant's Right To Counsel Is Subject To State Rules Regarding The Practice Of Law.

Essentially, appellants seek to obtain a decision that the existence of a federal question in any litigation automatically creates a corresponding federal right to retain non-resident counsel in both state and federal courts, regardless of whether such counsel is licensed to practice law in the jurisdiction in which the matter is being litigated. In particular, appellants contend that because the rights granted under the Federal Employers' Liability Act and the Jones Act are "federal rights," appellants may regularly engage the services of "specialist counsel" in the Illinois state courts, even though such counsel is not licensed by the State of Illinois.

There is no federal statute or constitutional provision which creates a right to engage an out-of-state attorney to advise on any federal law. Unquestionably, matters relating to the conduct of attorneys in federal court litigation are governed by federal standards, *Theard* v. *United States,* 354 U.S. 278, 1 L. Ed. 2d 1342, 1344 (1957), but such matters are traditionally governed by state standards when the litigation takes place in a state court.

Appellants attempt to equate the right to retain non-resident counsel with the substantive rights granted under the Federal Employers' Liability Act and the Jones Act. However, it is noteworthy that the "federal rights" created by these Acts are unique, in that they can be enforced in either the state or federal courts. Having conferred concurrent jurisdiction upon federal and state courts, Congress cannot be assumed to have intended to afford litigants the right to bring "specialist counsel" into a state court, even if they fail to qualify under local regulations. Rather, it seems obvious that the federal legislation has taken it for granted that suits brought under these federal statutes will be governed by the existing local federal and state rules, including state regulation relating to the retention of counsel appearing in these cases.

In most jurisdictions, including Illinois, out-of-state attorneys who are not licensed to practice within a particular state are admitted pro hac vice to argue a particular case before a state court. Appellants insist on far more

than this occasional accommodation by the state courts, by contending that their non-resident attorneys, who have been practicing law extensively in Illinois without an Illinois license, must be allowed to continue such practice, simply because a federal question is involved. This broad claim to a federal right to retain out-of-state counsel, despite state regulations, was rejected by the three-judge court below:

> . . . To view it otherwise would be for this Court to create a limited federal or national bar and to impose it on the states. To do so would be in total disregard of the state's great interests in the control and supervision of the practice of law in its own courts through reasonable requirements for licensing and admission.

See Appellants' Jurisdictional Statement, Appendix, p. 4.

There is nothing so complex in defending F.E.L.A. and Jones Act cases as to justify the abrogation of the Illinois Supreme Court's inherent power to regulate the practice of law within the state. Certainly the issues involved in these cases cannot be classified with such "esoteric subjects" as income taxation, patents, copyrights and the like which the court in *Spanos* v. *Skouras Theatres Corp.*, 364 F. 2d 161, 170 (2nd Cir. 1966), found to require the special expertise of non-resident attorneys in federal court litigation. Basically no more is involved in the cases pending against appellants in Madison County than the basic knowledge and application of ordinary legal concepts of negligence and contributory negligence. If appellants believe that these cases require special expertise, they can freely exercise their right to counsel of their choice by employing "specialist counsel" who are licensed to practice law by the State of Illinois, since appellants readily recognize the existence of competent counsel in Illinois:

> The plaintiff railroads freely and gladly acknowledge that there are competent law firms in Madison and St. Clair counties, Illinois, and throughout the entire State of Illinois who can try F.E.L.A. cases for plaintiffs and defendants. The plaintiff railroads have retained such law firms as chief counsel in numerous other cases now pending against them in Madison County and as co-counsel in the cases wherein defendants herein are threatening to strike the names of their attorneys not licensed in Illinois.

Plaintiff Railroads' Reply Brief, p. 4. See also Plaintiff Barge Lines' Reply Brief, p. 4.

It is readily acknowledged that state rules and regulations governing the practice of law are ultimately subject to the mandates of the United States Constitution and to federal regulations. In certain exceptional circumstances, particularly where civil rights have been involved, this Court has limited a state's power to regulate the practice of law. N.A.A.C.P. v. Button, 371 U.S. 415, 9 L. Ed. 2d 405 (1963); *Lefton* v. *City of Hattiesburg*, 333 F. 2d 280 (5th Cir. 1964). In addition, in *Sperry* v. *Florida ex rel. The Florida Bar*, 373 U.S. 379, 10 L. Ed. 2d 428 (1963), the Supreme Court held that registered specialists could practice before federal agencies without compliance with state regulations, since Congress specifically provided that patent applicants could be represented by an attorney or an agent authorized to practice before the Patent Office. However, the Supreme Court has not extended this rule beyond the federal agencies. Likewise, the Pennsylvania Supreme Court refused to extend this principle by holding that admission to practice before a federal district court does not give a person the right to practice generally within the district without being a member of a state bar. *Ginsburg* v. *Kovrak*, 392 Pa. 143, 139 A. 2d 889, appeal dismissed per curiam, 358 U.S. 52 (1958).

Appellants' reliance on *N.A.A.C.P.* v. *Button,* 371 U.S. 415, 9 L. Ed. 2d 405 (1963), and *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar,* 377 U.S. 1, 12 L. Ed. 2d 89 (1964), is misplaced, since both of those cases involved an infringement of the constitutional guarantees of freedom of expression and association. Further, *Powell* v. *Alabama,* 287 U.S. 45, 77 L. Ed. 158 (1932), concerned the question of whether the defendant in a criminal case was adequately represented by counsel at all. Clearly, the Sixth Amendment right to counsel in criminal cases has never been extended to civil litigation simply because it involved a federal question.

The three-judge district court properly held that even if the particular factors present in the instant case might suggest the desirability of a more liberal exercise of discretion on the part of judges in Illinois, that question, as well as any modification of Illinois Supreme Court Rule 707 to accommodate similar circumstances, were matters for the state to decide.

B.

Illinois Supreme Court Rule 707 Is Not Unconstitutional As Applied To Appellants.

In addition to asserting a broad federal right to retain out-of-state counsel, appellants allege a number of constitutional grounds in support of their contention that Illinois Supreme Court Rule 707 is supposedly unconstitutional, as applied to them and their specialist counsel.

1. Appellants first maintain that Rule 707, as applied, violates the equal protection clause of the Fourteenth Amendment. Contrary to appellants' allegation that the application of the Rule has created a discriminatory classification between F.E.L.A. and Jones Act plaintiffs and defendants, Rule 707 has not been applied by appellees so as to protect the rights of plaintiffs in such cases to have out-of-state counsel, while denying defendants the same right. Most, if not all, of plaintiffs' lawyers in those cases, who are engaged in Madison County in litigation concerning appellants, are licensed by the State of Illinois, so that a separate classification which discriminates against appellants simply does not exist. It is purely speculative how appellees would have applied Rule 707 if the factual situation were otherwise.

Further, the fact that Rule 707 permits appellants' attorneys to try isolated cases, while prohibiting them from the practice of law in Illinois on a regular basis, does not constitute a violation of equal protection. The restrictions placed on out-of-state lawyers are based on far more solid grounds than a "parochial desire to eliminate outside competition." Jurisdictional Statement, p. 19. Clearly, the State of Illinois, acting through its Supreme Court, has a vital and compelling interest in maintaining high standards of ethics and competency among those who practice law within its borders.

The cases cited by appellants, even though some involve F.E.L.A. rights, wholly fail to support an equal protection violation. See *United Transportation Union* v. *State Bar of Michigan,* 401 U.S. 576, 28 L. Ed 2d 339 (1971); *United Mine Workers* v. *Illinois State Bar Association,* 389 U.S. 217, 19 L. Ed. 2d 426 (1967); *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar,* 377 U.S. 1, 12 L. Ed. 2d 89 (1964). None of those decisions suggest that an attorney for either a plaintiff or a defendant in a F.E.L.A. or Jones Act case, which is filed in a state court, may regularly practice law in that court without being licensed by the state in which the action is pending.

2. Appellants next maintain that Illinois Supreme Court Rule 707, as applied, violates the due process clause of the Fourteenth Amendment. However, the application of Rule 707 clearly does not interfere with appellants' right to counsel, so as to deprive them of a fair hearing.

As previously noted, there are numerous attorneys licensed in the State of Illinois who can competently represent appellants in the state courts. Rule 707 is not an arbitrary ban on out-of-state counsel, since unlicensed attorneys are allowed to appear before Illinois courts in particular cases in which they are employed. Further, while appellants' attorneys cannot act as principal counsel in the cases pending in Madison County, as noted by the three-judge district court below, these attorneys may freely act in an advisory capacity.

Appellants' reliance on *Powell* v. *Alabama*, 287 U.S. 45, 77 L. Ed. 158 (1932), and *United States* v. *Bergamo*, 154 F. 2d 31 (3rd Cir. 1946), to support a due process violation is ill placed. Both of these cases involved the appearance of an attorney in an isolated case, and in no way pertained to the regular practice of law by out-of-state attorneys in civil litigation.

The Supreme Court in *Powell* stated that federal or state courts, in civil and criminal cases, cannot *arbitrarily* refuse to hear a party by counsel employed by him, and that such refusal would be a denial of a hearing and of constitutional due process. The concept of "counsel," as used in *Powell*, implies the requirement that an attorney be licensed to practice before the court where the case is being litigated. In addition, the use of the term "arbitrarily" in the opinion presumes that reasonable restrictions may be placed upon a litigant's right to choose his own counsel. It cannot be seriously maintained that appellees acted arbitrarily in exercising their discretion under Rule 707 so as to prohibit appellants' attorneys from continuing the extensive practice of law in Illinois without a license.

3. Appellants aver, solely on the basis of the decision in *Spanos* v. *Skouras Theatres Corp.*, 364 F. 2d 161 (2d Cir. 1966), that Illinois Supreme Court Rule 707, as applied, violates the privileges and immunities of appellants and their specialist counsel. However, that case is readily distinguishable from the instant case.

In *Spanos*, an out-of-state attorney sought to collect a fee for services rendered in a Sherman Act suit which had been litigated in a federal court. The issue in *Spanos* was adequately resolved by the application of simple contract law and, as noted by the three-judge court below in the present case, much of the language relied on by appellants was unnecessary to the decision.

Further, the court in *Spanos* simply stated that out-of-state attorneys should be allowed to appear in a federal court when a case involved "such esoteric subjects" as "income taxation, patents, copyrights, trademarks, and securities and labor regulation." *Id.* at 170. The court did not include F.E.L.A. and Jones Act cases, as appellants contend, in the category of "esoteric subjects" because they are not, in fact, esoteric. The parameters of the power of the *federal court* to regulate the conduct of attorneys who appear before it, as defined in *Spanos*, are not determinative of the extent of the state court's inherent power to regulate the practice of law by attorneys who appear before it.

4. Finally, appellants claim that Illinois Supreme Court Rule 707, as applied, violates the United States Constitution by placing an undue burden on interstate commerce. This contention implies that any of the myriad activities in to-

day's world which involve interstate commerce generate the right to employ out-of-state counsel solely on that basis. A finding in favor of such a contention would almost completely obliterate the state's power to exercise control over who practices law within its borders.

It is difficult to understand how the exercise by the Illinois Supreme Court of its inherent power to regulate the practice of law within the State of Illinois is an activity in interstate commerce, or how it affects interstate commerce. Even if appellants' contentions were to be put into actual realization, the effects of interstate commerce could only be de minimus and purely incidental.

In this regard, this Court has stated:

> Although the criteria for determining the validity of state statutes affecting interstate commerce have been variously stated, the general rule that emerges can be phrased as follows: Where the statute regulates even-handedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. Huron Cement Co. v. Detroit, 362 U.S. 440, 443, 4 L. Ed. 2d 852, 856, 80 S. Ct. 813, 78 ALR 2d 1294. If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities. . . .

Pike v. *Bruce Church, Inc.*, 397 U.S. 137, 25 L. Ed. 2d 174, 178 (1970).

Clearly, the state has a very substantial interest in regulating the practice of law within its confines which by far outweighs any incidental burden imposed upon appellants in securing the services of competent licensed Illinois attorneys.

CONCLUSION

For all these reasons appellees respectfully submit that the question upon which this cause is presented is so insubstantial as not to require any further argument and that the decision below is so obviously correct as not to warrant any further review. Appellees, therefore, respectfully move this Honorable Court to dismiss this appeal or, in the alternative, to affirm the judgment entered in this cause by the United States District Court for the Southern District of Illinois, Southern Division.

Respectfully submitted,

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APPENDIX

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756. (Supreme Court Rule 756). Registration and Fees

(a) Except as hereinafter provided, every attorney admitted to practice law in this State shall pay an annual registration fee to the Attorney Registration Commission. The first annual registration fee shall be for the year 1973 and shall be paid on or before April 1, 1973. Thereafter the annual registration fee shall be paid on or before the first day of January of each year. Until further order of the Court, the following schedule shall apply:

(1) As to the first annual registration fee, none is required of any attorney admitted to the Bar after January 1, 1972; an attorney admitted to the bar after January 1, 1968, but before January 1, 1972, shall pay an initial registration fee of $10.00; an attorney admitted to the Bar before January 1, 1968, shall pay an initial registration fee of $20.00.

(2) As to subsequent annual registration fees, none is required of any attorney admitted to the Bar less than one year before the first day of January for which the registration fee is due; an attorney admitted to the Bar for more than one year but less than 5 years before the first day of January for which the registration fee is due, shall pay an annual registration fee of $10.00; an attorney admitted to the Bar for more than 5 years before the first day of January for which the registration fee is due, shall pay an annual registration fee of $20.00

(3) An attorney in the Armed Forces of the United States shall be exempt from paying a registration fee until the first day of January next following his return to civilian life.

(4) Upon making a written application to the Attorney Registration Commission, an attorney licensed to practice for more than 50 years or who has reached the age of 75 years shall be excused from the further payment of registration fees.

(5) For purposes of the foregoing provisions, the time shall be computed from the date of an attorney's initial admission to practice in any jurisdiction in the United States.

(6) An attorney licensed to practice in this State, but who neither resides nor practices nor is employed in this State, shall be exempt from paying a registration fee.

(7) Upon written application and for good cause shown, the Administrator may excuse the payment of any registration fee in any case in which payment thereof will cause undue hardship to the attorney.

(b) The Administrator shall prepare an initial Master Roll of Attorneys consisting of the names of attorneys who have paid or are exempt from paying the registration fee and shall file in the office of the clerk of the Court a copy of the Master Roll thus prepared. Thereafter the Administrator shall maintain the Master Roll in a current status, a copy of which shall at all times be on file in the office of the clerk of the Court. No person who is not listed on the current Master Roll on file in the office of the clerk of the Court shall be entitled to practice law or to hold himself out as authorized to practice law in this State.

(c) On or before February 1, 1973, the Administrator shall mail to each attorney on the Master Roll a notice that the registration fee for 1973 will be payable on or before April 1, 1973. On or before the first day of November of each year commencing November 1, 1973, the Administrator shall mail to each attorney on the Master Roll a notice that the annual registration fee will be payable on or before the first day of January of the following year.

(d) It is the responsibility of each attorney on the Master Roll to notify the Administrator of any change of address. Failure to receive the notice from the Administrator shall not constitute an excuse for failure to pay the annual registration fee. The name of any person who has not paid the current annual registration fee shall be removed from the Master Roll when his delinquency shall have continued for 90 days beyond the due date of the fee. Any person whose name is not on the Master Roll and who practices law or who holds himself out as being authorized to practice law in this State is engaged in the unauthorized practice of law and may also be held in contempt of the Court.

(e) An attorney whose name has been removed from the Master Roll solely for failure to pay the registration fee may be reinstated as a matter of course upon paying the registration fee prescribed for the period of his suspension, plus the sum of $3.00 per month for each month that such registration fee is delinquent.

Adopted Jan. 25, 1973, effective Feb. 1, 1973. Amended and effective May 17, 1973.